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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
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Agenda item 9

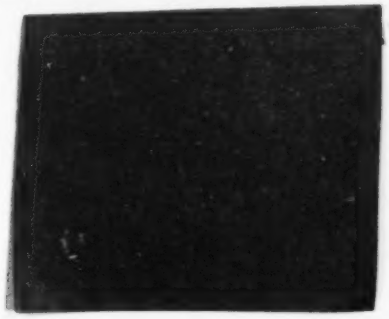
THE ADMINISTRATION OF JUSTICE AND HUMAN RIGHTS

Joint written statement submitted by International Association for Religious Freedom, Transnational Radical Party, Women's International Democratic Federation, World Confederation of Labour, World Federation of Democratic Youth, non-governmental organizations in general consultative status; African Commission for Health and Human Rights Promoters, American Association of Jurists, Habitat International Coalition, Indigenous World Association, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Institute for Non-Aligned Studies, International League for the Rights and Liberation of Peoples, North-South XXI, Pax Romana, War Resisters International, Worldview International Foundation, non-governmental organizations in special consultative status; Centre Europe-Tiers Monde, International Association of Educators for World Peace, International Educational Development Inc., International Falcon Movement, International Federation of Free Journalists, International Institute of Peace, Liberation, Movement against Racism and for Friendship Among Peoples, World Organization against Torture, non-governmental organizations on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[26 August 1997]

GE.97-13905 (E)



Statement on the Islamic Republic of Iran

1. For years, state-sponsored terrorism has been one of the Iranian regime's main foreign policy instruments of support for terrorist groups and incitement to murder foreign nationals.

2. Following a three-and-a-half year trial in Berlin, last April, Germany's judiciary issued a verdict, on the basis of irrefutable evidence, affirming the role of the most senior leaders of the Iranian regime in state terrorism. It identified the "political leadership" of the regime, including Khamenei and Rafsanjani, as the masterminds behind the assassination of Iranian dissidents in Berlin.

3. Following this unprecedented development, other cases of terrorism involving the mullahs outside Iran, hitherto dormant, became the focus of attention. One such case was that of the assassination on 24 April 1990 in Coppet of Professor Kazem Rajavi, the great advocate of human rights, considered by Tehran as its number one enemy in international human rights forums.

4. This case, despite extensive investigations and relentless efforts by the Swiss investigative magistrate, Judge Roland Chatelain, and the police in the canton of Vaud, which had confirmed the role in this murder of 13 terrorists dispatched from Tehran, did not lead to the expected conclusion, namely the commencement of a trial and the condemnation of the masterminds and perpetrators of this crime.

5. Commenting on the progress of his investigations, on 12 June 1997, Judge Chatelain explained that he was receiving very close cooperation from the German investigators, enabling him to hear new witnesses. As a result, he said, the conclusions on the terrorist group dispatched to Switzerland were confirmed. For example, he had been able to obtain the real identity of the 13 terrorists and the role of each of them in this murder.

6. On the same day, Judge Chatelain told the French news agency that it appeared that the order to murder Kazem Rajavi near Geneva, like that to murder four other dissidents in Berlin, had been issued by a senior Iranian government official. With respect to the links between the murders in Coppet and Berlin, he said that it was clear that the orders for those murders were issued by the same Iranian officials. He stressed that his sources were the same as those who had helped officials in the German court. Judge Chatelain particularly focused on two of the main perpetrators. According to his investigation, Mohsen Sharif Esfahani and Ahmad Taheri were doubtless officials with important posts in the Government of Iran. They were senior members of the Iranian intelligence services, he noted. The fake passports used by the terrorists belonged to Tehran's intelligence services, although Iran said it did not know these people, Judge Chatelain said.

7. By welcoming the two terrorists in December 1993, at the airport, Tehran practically signed its own indictment. The two had spent one year in French jails and were to have been extradited to Switzerland upon the request of

Judge Chatelain and official decree of the Government of France. But pressured and blackmailed by Tehran, France contravened international conventions on terrorism and handed over the two terrorists to Iran.

8. The 13 agents involved in the murder travelled with passports from official Iranian services marked "on assignment". A number of their papers had been issued on the same day in Tehran. Most of them had entered Switzerland on a direct Tehran-Geneva Iran Air flight and their tickets had consecutive numbers.

9. The international media referred to the telegram from the victim's brother, Mr. Massoud Rajavi, to Arnold Koller, the President of the Swiss Federation, on the morning after the murder. In his telegram, Mr. Rajavi, the President of the National Council of Resistance of Iran, identified two Iranian diplomats by the names of Mohammad Akhound-Zadeh Basti, the former Iranian Chargé d'Affaires in the United Kingdom, and Mohammad Ali Hadi Najaf-Abadi, former ambassador to the United Arab Emirates, as having supervised and coordinated the assassination.

10. Fifty-seven years old at the time of his martyrdom, Kazem Rajavi was recognized as Iran's most prominent human rights advocate for his tireless efforts in defence of human rights and the rights of political prisoners under the Shah's regime. After the revolution, he was Iran's first ambassador to the European Headquarters of the United Nations. Owing to his protests over the violations of human rights in Iran, however, he lasted only one year in that position.

11. Professor Rajavi was instrumental in the adoption of a stream of condemnations of the mullahs' human rights violations by international forums, especially the United Nations General Assembly and the Commission on Human Rights. He aroused the mullahs' hatred and received death threats from the Tehran officials at every international venue.

12. Last June, the majority of Swiss parliamentarians issued a declaration addressed to the President of the Swiss Confederation. Referring to the direct role of the Iranian regime in the assassination of Iranian dissidents, including Professor Rajavi, they underscored the need to reopen and reactivate the case of Kazem Rajavi's murder. They emphasized that the Swiss Federal Council and judiciary must undertake the necessary actions regarding the Tehran regime's refusal to extradite two of the killers who were unfortunately returned to Iran by the Government of France.

13. In past years, the Sub-Commission on Prevention of Discrimination and Protection of Minorities directly or indirectly referred to and condemned in its resolutions the cowardly assassination of Professor Rajavi. In the light of the new revelations in the case, the time has come for the Sub-Commission to take immediate decisions as regards this case and to compel the Government of Iran to cooperate with the Swiss judiciary and return those accused of involvement in Professor Rajavi's assassination to Switzerland to face justice.